Minutes Council/RDA Meeting City Council/Redevelopment Agency City of Huntington Beach

Monday, March 17, 2008 4:00 P.M. - Room B-8 6:00 P.M. - Council Chambers Civic Center, 2000 Main Street Huntington Beach, California 92648

An audio recording of the 4:00 p.m. portion of this meeting and a video recording of the 6:00 p.m. portion of this meeting are on file in the Office of the City Clerk and are archived at www.surfcity-hb.org.

Call to Order

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:10 p.m., in Room B-8.

City Council/Redevelopment Agency Roll Call

Present:

Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio.

Absent:

None.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following communications received by the City Clerk's Office pertaining to the Closed Session portion of the meeting.

Communication submitted by Craig A. Justice, Chair of the Huntington Beach Environmental Board, dated March 14, 2008, and titled *Huntington Beach City School District (HBCSD) Closed School Sites*.

Communication submitted by Carolyn Ross, dated March 17, 2008, and titled LeBard School.

Communication submitted by Barry Bisson, dated February 28, 2008, untitled, addressed to Councilmember Hansen pertaining to the purchase of LeBard Elementary School.

The Following Communications Were Distributed During The Meeting

Communication submitted by Councilmember Don Hansen, undated, and titled *Daniel Weintraub: Contribution Caps Haven't Limited Money in Politics.*

Communication submitted by Larry Gallup, originally dated June 29, 2007, and redated to March 14, 2008, untitled, a one-page document, Appendix 4 - November 2006 City Council election tally of three types of contributions made to seated Council candidates.

E-1

Public Comments

Mark Bixby spoke in opposition to proposed campaign limit Option Two (adopting State law as set forth in California Government Code Section 85301 and adjusted biennially by the consumer price index (CPI) - currently at \$3,000), and supports the following issues: repeal of the duplicative municipal codes as indicated; State violation enforcement; optional E-filings for now, but mandatory in the future; and posting unredacted campaign documents on the internet. In addition, he urged Council to oppose SB 1295 during tonight's regular meeting.

Larry Gallup spoke in support of campaign contribution limits remaining the same. He discussed negative aspects of a perceived process of pass-through funds transferred from one political action committee (PAC) to another on behalf of candidates, and urged Council to leave the existing Code alone.

Julie Bixby thanked Council for allowing public participation in the campaign contribution review process, and stated that members of the public and Council liaisons were in agreement during review of the City's code on many issues. She voiced support of keeping contribution limits the same (\$300) or proposed Option One (up to \$420). In addition, she urged Council to oppose SB 1295 during tonight's regular meeting.

Linda Scott spoke in support of following State regulations and supplementing with the City's campaign contribution reform changes, as applicable, and developing a "City of Huntington Beach Campaign Manual" for posting on the City's website. In her opinion, to search and obtain information of interest online would be one step closer to pursuing goals of a "paperless" process. She voiced support of keeping contribution limits the same (\$300) or the proposed Option One (up to \$425), and posting unredacted campaign documents on the internet.

(City Council/Redevelopment Agency) Study Session Held — Report of the Campaign Contribution Subcommittee

Jennifer McGrath, City Attorney, gave a PowerPoint presentation titled, *Campaign Contribution Reform,* which included the following information: Council Subcommittee Objectives, Recommendation #1: Repeal Chapter 2.06, Recommendation #2: No Proposed Changes to Chapter 2.04, Recommendation #3: Proposed Revisions to Chapter 2.07, Repeal Huntington Beach Municipal Code Sections 2.07.060, 110, 120, 170, 180, 190, 200, and 210, Additional Proposed Changes, Additional Outstanding Issues and Next Steps.

Attorney McGrath responded to Council questions, and requested direction pertaining to proposed Options One (setting contribution limit at amount of the current first-class postage rate multiplied by 1,000), and Option Two (adopting State law as set forth in California Government Code Section 85301 and adjusted biennially by the consumer price index (CPI) - currently at \$3,000); E-filings and posting of unredacted campaign contribution reports, and whether to dedicate resources to review the Conflict of Interest Code.

Councilmember Green thanked members of the public who participated in the review process, and voiced support of the City staying consistent with State law as it pertains to campaign contribution limits, and optional E-filings.

Mayor Pro Tem Bohr thanked the citizens who participated in the review process and voiced support of campaign limits staying the same. He identified the success of current limits as

providing a balanced, "grass roots" campaign process, and referenced campaign contribution funds raised by seated Councilmembers.

Councilmember Hardy voiced support of campaign contribution limits staying the same at \$300 or choosing Option One (setting contribution limit at amount of the current first-class postage rate multiplied by 1,000). In terms of regulating mass mailings, she supports submitting one copy to the City Clerk, as opposed to ten, for availability to the public and for historical purposes, and supports optional E-filings.

Councilmember Hansen thanked members of the public for their collaboration in the review process and their excellent work reviewing the Municipal Code language. He voiced support of no campaign contribution limits and discussed financial difficulties of candidates who campaign against other candidates who are supported by political action committees (PACs), such as labor unions, and special interest groups. He spoke in support of greater transparency for all candidates, and unredacted campaign documents for posting on the web commencing with the 2008 election.

Councilmember Carchio voiced support of the proposed Option Two (adopting State law as set forth in California Government Code Section 85301 and adjusted biennially by the consumer price index (CPI) - currently at \$3,000) for modifying campaign contribution limits.

Councilmember Coerper thanked members of the public who participated in the process and voiced support of the proposed Option Two (adopting State law as set forth in California Government Code Section 85301 and adjusted biennially by the consumer price index (CPI) — currently at \$3,000) for modifying campaign contribution limits and transparency by all Councils.

Mayor Cook voiced support of removing sections of the Municipal Code that are duplicative of State law, and its posting on the internet. She stated her preference that the campaign contribution limits remain at \$300, and voiced support of retaining Section 2.06 of the Municipal Code pertaining to mass mailings and filing ten copies of the campaign document with the City Clerk, allowing the media an opportunity to respond and counteract specific statements or issues on behalf of a candidate.

City Clerk Flynn read a comparison list of Orange County cities that included adopted policies for posting Forms 700 (Statement of Economic Interests) and 460 (Recipient Committee Campaign Statement) on the internet. She then asked Council if she should proceed with E-filings and unredacted campaign documents since this information is being requested of her office.

Lengthy discussion ensued amongst Council of their personal preferences of whether to redact personal information from campaign documents posted on the internet.

Council directed Attorney McGrath to bring back the following four options and incorporate other changes to eliminate duplicative language between the Huntington Beach Municipal Code and Government Code: 1) No change to \$300 contribution limit; 2) Set a formula whereby the contribution limit is the amount of the first-class postage rate multiplied by 1,000 and adjusted biennially commencing 1/1/08 (\$420 w/updated postage rate); 3) Adopt State law as set forth in California Government Code and adjusted biennially by the Consumer Price Index (CPI), (currently at \$3,000); and 4) Set no limit.

In addition, Council directed City Clerk Flynn to post redacted campaign documents online,

effective upon commencement of the 2008 election, and directed staff regarding revising the City's Conflict of Interest Code.

Mayor Cook called on Mark Bixby who explained the importance of unredacted campaign documents for the purpose of analyzing contributor information by geographical areas of the city. Mayor Cook suggested Mark obtain that public information from the City Clerk's office.

Motion to Recess to Closed Session — 5:18 p.m.

A motion was made by Green, second Bohr to recess to Closed Session on the following items. The motion carried by consensus of all present, none absent.

(City Council) Closed Session — Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: John Van Dyke v. City of Huntington Beach; WCAB Case Nos. AHM 0039741, AHM 0049129, AHM 213640, and AHM 0052925; Claim Nos. COHB 87-0158 and COHB 83-1856.

(City Council) Closed Session — Pursuant to Government Code Section 54957, the City Council recessed to Closed Session to discuss the following personnel matter: Subject: Recruitment of City Administrator.

(City Council) Closed Session — Pursuant to Government Code Section 54956.8, the City Council recessed to Closed Session to give instructions concerning price and terms of payment to the City's Negotiator, Deputy City Administrator Bob Hall, Regarding negotiations with the Huntington Beach City School District for the purchase of up to 10.12 acres of real property located at 20451 Craimer Lane.

Reconvened City Council/Redevelopment Agency Meeting — 6:00 p.m.

There Were No Actions Reported by the City Attorney During Closed Session Pursuant to Government Code §54957.1(a) (3) (B).

City Council/Redevelopment Agency Roll Call

Present:

Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio.

Absent:

None.

Pledge of Allegiance/Flag Salute — Led by Cadet Sam Galima, United States Military Academy

Cadet Galima, sophomore with the United States Military Army Academy, spoke on behalf of the Cadet Public Relations Committee (CPRC), and announced opportunities available at West Point Academy. He also discussed the acceptance process and encouraged interested persons to contact Councilmember Gil Coerper for further information. Mayor Cook thanked Cadet Galima and presented him with City keepsakes.

Invocation — Provided by Joan L. Flynn; City Clerk

Presentation — National Sunshine Week

Mayor Cook called on City Clerk Flynn to accept a proclamation for National Sunshine Week, March 16-22, 2008. City Clerk Flynn acknowledged Sunshine Week as a national initiative to open dialogue on the importance of open government and freedom of information. She introduced Larry Gallup, citizen, who advised Council that Sunshine Week was first introduced five years ago in Florida and is now recognized nationwide to promote transparency in local governments.

Presentation — Commendation to Police Officers

Mayor Cook was joined by Chief of Police Ken Small and called on Sandy Gutierrez and Tracy Miller, representatives from Mothers Against Drunk Driving (MADD) who presented commendations to the following Police Officers for making Driving Under the Influence (DUI) arrests: Tai Huynh, Dale Shields, Tim Pappas, Wade Wilson, Corwin Bales, Frank Gallant, Mike Dexter, Dave Stover and John Baggs. Chief Small expressed his gratitude for the relationship between the Police Officers' Association (POA) and MADD, and announced MADD's upcoming 5K Walk at the City beach on May 10th at 8:30 a.m. For more information, please go to www.walklikemadd.com.

Councilmember Coerper thanked Chief Small for upholding zero tolerance regarding motorists who drive while under the influence.

Mayor's Award — Colleen Keith

Mayor Cook was joined by Jack Marshall, Information Services Director, to present the Mayor's Award to Colleen Keith, Project Manager. Director Marshall recognized the various positions held by Manager Keith during her 30-year tenure with the City and thanked her for her service. Manager Keith thanked Director Marshall, Mayor Cook and Council for tonight's award.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan Flynn announced the following late communications received by the City Clerk's Office following distribution of the agenda packet.

Communication submitted by Shari Freidenrich, City Treasurer, dated March 17, 2008 and titled, *Late Communication - Agenda Item C-3*.

Communication submitted by Travis Hopkins, Director of Public Works, dated March 17, 2008, submitting a corrected map for the Safe Routes to School Program.

Communication submitted by Patricia Dapkus, Senior Administrative Analyst, notating a typographical error in the second recommended action. The legislation identified as "AB 1295" should be "SB 1295."

Communications submitted by the following individuals stating opinions pertaining to SB 1295: Mike Balchin, Susan Fish, Marinka Horack, Halie Schmidt, Terry Welsh (2), Ed Bush, Joe Geever (2), Dave Hamilton, Donald Schulz, Norm Westwell, Merle Moshiri, Frank Drury, Delores Haber, Gael O'Brien, Surfrider Foundation, Kitty Willis (3), and Victoria Shuttleworth.

Communications submitted by the following individuals stating opinions pertaining to the adoption of Ordinance No. 3800 relating to licensing provisions of dogs and cats: Teddi Alves, Douglas S. Bacon, Debbie Bent, James Bess, Geri Bess, Marie B. Carriere, Danette Ewald, Rebecca Fairfield, Rich Jubak, Alex Martinez, Janis L. Murphy, Michael W. Powell, Mike Stensetr, Gordon Amendola, Michelle Barilla, Austin Bent, Iris Chao, Beth Faas, Charles Fully, Martha Kucaj-Oseland, Karen Monaco, Robert Murphy, Charles Rutherford, Norm Westwell, Mrs. Gordon B. Amendola, R. Allen Baylis, Esq., Bruce Bent, Thomas Ciccarelli, Jerry Faas, Robert Gwald, Gina Lee Mago, Barbara A. Mooney, Ann Patrick and David Shames.

Communication submitted by Joyce Riddell, President of the Chamber of Commerce, dated March 14, 2008 and titled *Design and Installation of Commemorative Arches*.

Public Comments

(The numbers following speakers' comments reflect the approximate point in time in the archived video the speaker appears at http://www.surfcity-hb.org/government/agendas)

Gerald Chapman, President of the Bolsa Chica Land Trust, spoke in opposition to SB 1295 and provided a historical summary of past decisions made by the Planning Commission to support the Coastal Act's ongoing efforts to protect the City's coastline. On behalf of the Land Trust, he urged Council to oppose the Bill. (37:10)

Marie Carriere, Pet Owners Want Equal Rights (POWER), spoke in opposition to Ordinance No. 3800 pertaining to the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat and for placing the responsibility of licensing fees with the County of Orange. (39:00)

Ann Patrick, POWER, spoke in opposition to Ordinance No. 3800, in particular, the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat. (39:38)

Diane Amendola, POWER, spoke in opposition to Ordinance No. 3800, in particular, the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat, stating that Council should not have the authority to mandate this legislation. She discussed her frustration with this ongoing issue, and urged Council to deny the ordinance. (40:28)

Alex Martinez spoke in opposition to Ordinance No. 3800 pertaining to licensing fees for dogs and cats, and questioned the City's decision to defer that responsibility to the County. He also voiced opposition to the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat. (44:29)

Mayor Pro Tem Bohr clarified that the County of Orange Animal Care Services has been the City's provider for licensing for over a decade.

Mayor Cook asked Attorney McGrath to further address the licensing fee issue for clarification. Attorney McGrath reiterated the City's contract obligation with the County of Orange for animal control services, including setting the rates for all pet licenses. In addition, she stated that last year it was discovered that the Ordinance Code was never revised to reflect current rates, so

when this issue recently came up, it was timely to accurately reflect the current rates to our contractual obligations with the County.

Patricia Pshemp, POWER, spoke in opposition to Ordinance No. 3800, and in particular, the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat. (47:50)

Carol Hamilton, POWER, spoke in opposition to Ordinance No. 3800, and requested an explanation of the proposed language pertaining to the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat. (49:21)

Attorney McGrath responded to the speaker's requests for language clarification and provided a detailed explanation of language intent and business license requirements for public advertisement of dogs and cats.

Mort Evans, POWER, spoke in opposition to Ordinance No. 3800, and discussed what he perceived to be confusing language pertaining to the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat. (53:23)

Jennifer Constantinidio, POWER, spoke on behalf Beverly Evans, long-time resident of Huntington Beach, whom she stated had laryngitis. She discussed Mrs. Evans' opposition to the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat, stating her opinion that animals are personal property and a business license should not be required for selling personal property. (55:23)

Allen Baylis, POWER, spoke in opposition to Ordinance No. 3800, for the proposed change of licensing fees set by the County of Orange Animal Care Services; and voiced support of keeping that responsibility at our local jurisdiction level. He also voiced objection to the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat, stating that the requirement, in his opinion, violates the First Amendment as not content neutral. He further contended that any restriction on free speech must be content neutral, with the minimum required to accomplish a legitimate government goal. He concluded that there is no connection between the cost of what the City spends to care for unwanted dogs and cats and the advertising requirement. (57:10)

Barry Bisson spoke in support of the City's purchase of LeBard School site under the Naylor Act to maintain its open space for current recreational uses and prospective events that might generate revenue for the City. (1:00:46)

Debbie Bent, POWER, spoke in opposition to the Ordinance 3800, and in particular, the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat. She referenced earlier discussions related to newspaper advertisements for pet sales that, in her opinion, had no correlation to Huntington Beach. (1:03:25)

As a point of clarification, Councilmember Coerper asked previous speaker Bent to explain her reference of him as a Board Member to Save our Strays (SOS). Councilmember Coerper stated that he made a donation to the SOS organization because he supports their efforts in our community. Speaker Bent indicated that she went to www.saveourstrays.com website, where it is indicated that monetary donations of membership at specific values determine Board Membership status. Councilmember Coerper restated for the record that he is not a Board

Member of SOS, and he finds it offensive to assume that every donation made to a charitable cause would automatically places anyone on that organization's Board of Directors.

Teddi Alves, POWER, thanked Councilmembers Hansen, Carchio and Green for their perceived, responsible rationale pertaining to Ordinance No. 3800. She voiced opposition to the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat, and questioned the City's decision to give the responsibility of setting and collecting licensing fees to the County. (1:08:50)

Also as a point of clarification, Councilmember Hardy referred to a recent "flyer" circulated that was very critical of most seated Councilmembers, and she stated for the record that she has never been a member of SOS, and she has never financially supported them. She asked Attorney McGrath for clarification of the City's contract with the County of Orange Animal Care Services for the past decade. Attorney McGrath responded that Council adopts the contract by minute order. Councilmember Hardy further clarified that occasionally the need arises to update ordinances to reflect current practices, and Attorney McGrath confirmed.

Joe Geever, California Policy Coordinator for The Surfrider Foundation, spoke in opposition to SB 1295, stating that its passage would cause difficulties to ensure Coastal Act policies are implemented. He referenced a letter he sent to Council of the Foundation's opposition to the bill, and discussed procedural reservations to oppose the legislation. He discussed decisions that would still require Coastal Commission's review and the potential for appeals to be disposed. (1:13:55)

Shirley Dettloff, Chair of the Huntington Beach Conference and Visitors Bureau, spoke in support of Councilmember Coerper's item to recreate the concept of placing arches over Main Street at Pacific Coast Highway, and stated her opinion that the arches create an artistic element. She also spoke in opposition to SB 1295, since she believes the bill would weaken Coastal Development Permits (CDPs). (1:17:42)

Doug Traub, President of the Huntington Beach Conference and Visitors Bureau, spoke in support of Councilmember Coerper's item to restore commemorative arches placed over Main Street at Pacific Coast Highway. In his opinion, the arches would show respect for our City's forefathers, and leave a legacy for future generations. He urged Council's support of the concept. (1:20:43)

Nancy Donaven spoke in opposition to SB 1295 stating that, in her opinion, its passage would weaken the Coastal Act's ability to protect Huntington Beach's coastline. She urged Council to oppose SB 1295. (1:23:13)

Donald E. Thomas spoke in support of the City's purchase of LeBard School site under the Naylor Act to maintain open space for children's recreational uses. He also spoke in opposition to SB 1295 and urged Council to oppose the bill. (1:24:35)

Merle Moshiri spoke in opposition to SB 1295, and emphasized that individuals of grass roots organizations would be hurt by eliminating the Coastal Commission, and discussed its much-needed integrity to uphold the appeals process. She urged Council to oppose SB 1295. (1:26:41)

Mary Jo Baretich spoke in opposition to SB 1295, stating her opinion that the bill undermines the Coastal Act, and asked Council to protect the coastline by opposing SB 1295. (1:28:20)

Elmer Smith, spoke in opposition to SB 1295 stating that, in his opinion, developers are attempting to weaken the position of the Coastal Act, and urged Council to oppose SB 1295. (1:28:46)

Karen Riggs, representing Huntington Beach Impeach, advised Council of an upcoming panel discussion sponsored by Golden West College Student Activities on April 5, and that invitations would be forthcoming. She spoke in opposition to Ordinance No. 3800, in particular, the business license requirement for advertising to the public the adoption, sale, barter or transfer of any dog or cat. (1:29:40)

Mike Stenseth, Save Seaview, voiced support for the City to purchase LeBard School site to be maintained as open space for the Seaview Little League and other recreational uses for children. (1:32:30)

Stephanie Babkow urged Council to purchase the LeBard School site for maintaining the open space for recreational uses for children. (1:33:24)

Catherine DeLuca, POWER, spoke in opposition to Ordinance No. 3800, and voiced concerns of deferring the responsibility of licensing to the County of Orange Animal Care Services. She discussed objectives of hobby breeders and urged Council to deny the ordinance. (1:34:18)

Mary Bradley spoke in opposition to Ordinance No. 3800 and discussed distinct differences between hobby breeders and commercial breeders. She commented on the confusing language contained in the ordinance, and asked Council to focus its efforts on more meaningful issues. (1:35:51)

Riley Mailman spoke in support of a new skateboard park that he recommends be built at Edison Community Center. In his opinion, parking would not be an issue at Edison, and he thanked Council for their time. (1:39:10)

Jake Reuter spoke in support of a new, larger skateboard park to be built in Huntington Beach similar to Volcom Skate Park in Costa Mesa. (1:41:00)

Joy DeGuccio, POWER, spoke in opposition to Ordinance No. 3800, stating her opinion that the proposed legislation would punish all responsible pet owners. (1:42:00)

Tim Geddes spoke in support of the City's purchase of LeBard School site to maintain the open space. He also spoke in opposition of SB 1295 and urged Council to oppose the bill. (1:43:29)

Milt Dardis spoke in opposition to SB 1295 and discussed concerns associated with eliminating the Coastal Act's ability to oversee the City's coastline. He urged Council to oppose SB 1295. (1:46:45)

AB 1234 Disclosure Reporting

Councilmember Coerper reported attending the Southern California Association of Governments (SCAG) meeting in Los Angeles on March 6.

A report was submitted by Mayor Pro Tem Bohr, which is on file in the City Clerk's Office.

City Administrator's Report

Interim City Administrator Paul Emery called on Travis Hopkins, Director of Public Works, to provide an update of the clean-up efforts at Bartlett Park.

Director Hopkins gave a PowerPoint presentation that included the following information: Bartlett Park Maintenance Work Completed, Dead Vegetation, Invasive Plants and Debris Removal, Clearing Undergrowth, Paths and Clean-Up Totals.

Council questioned issues related to clearing the park's undergrowth, ongoing Police patrol, new signage posted, and future clean-up schedule. Staff provided information on citations issued for curfew violations after 10:00 PM, new signage that has been posted, and continual clean-up efforts scheduled.

(City Council) Reviewed and Accepted Shari L. Freidenrich, City Treasurer's January 2008 Investment Summary Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for January 2008

A communication from City Treasurer Shari L. Freidenrich transmitted the Monthly Investment Report and Summary of Investments for January 2008, and she restated for the record the Late Communication she presented this evening identifying a typographical error correction.

A motion was made by Green, second Bohr to accept the Monthly Investment Report, as amended by Late Communication, entitled Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for January 2008, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES:

Hansen, Bohr, Cook, Coerper, Green, and Carchio

NOES:

None OUT OF ROOM: Hardy

(City Council/Redevelopment Agency) Tax Equity and Fiscal Responsibility Act (TEFRA) Public Hearing Held for Adoption of Resolution No. 2008-21 Approving the Issuance of Multifamily Housing Revenue Bonds in a Principal Amount Not to Exceed Ten Million Dollars (\$10,000,000) by the California Statewide Communities Development Authority to Assist in Financing the Acquisition and Rehabilitation of a 48-unit Multifamily Rental Housing Development Commonly Known as the Pacific Court Apartments Located at 2200-2222 Delaware Street in the City of Huntington Beach

The Council/Agency considered a communication from the Deputy Executive Director/Director of Economic Development transmitting the following Statement of Issue: The City Council is asked to approve the Resolution authorizing issuance of Bonds and the Agency Board is asked to approve a pre-commitment of Federal HOME Investment Partnership Funds and Redevelopment Housing Set Aside funds for the acquisition and rehabilitation of Pacific Court Apartments located at 2200-2222 Delaware Street.

Kellee Fritzal, Deputy Director of Economic Development, called on Jesus Morales, Housing and Real Estate Manager, who gave a PowerPoint presentation that included the following information: Project Description, Proposal, Permanent Financing, Income Limits and Affordable Rents, Addressing Housing Needs, Illustrative Deal Points, Request for Bond Approval and Recommended Action.

Mayor Cook opened the public hearing.

Barry Cottle, applicant with Orange Housing Development Company (OHDC), gave a description of the proposed project, informed Council that OHDC has no intention of changing its status from non-profit to for-profit, and indicated that this project would be a complete rehabilitation of the property. He discussed the respected relationship OHDC has with project lenders, and advised Council that the tax credit application would be submitted by the end of the week. He concluded that OHDC has met with residents on Delaware Street who have stated enthusiasm for the project.

There being no further persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor closed the public hearing.

Council questioned the City's/Agency's liability if OHDC ceased business, and staff clarified that although non-performance by OHDC is not anticipated, if they defaulted on the bond issue, the City/Agency would not be financially responsible and at that time would solicit another non-profit developer.

A motion was made by Hansen, second Hardy to City Council Recommended Action: 1) Open the TEFRA public hearing, take testimony, and close the public hearing on the proposed issuance of Multifamily Housing Revenue Bonds; 2) Adopt Resolution No. 2008-21, "Resolution of the City Council of the City of Huntington Beach Approving the Issuance of Bonds by the California Statewide Communities Development Authority Relating to the Financing of the Pacific Court Apartments;" and 3) Approve a pre-commitment of HOME funds in an amount not to exceed \$500,000, authorize the Interim City Administrator to execute documents confirming this commitment, and direct staff to move forward with the preparation of an Owner Participation Agreement (OPA) that will delineate the specific terms of the financial assistance to be provided for the Pacific Court Apartments. Redevelopment Agency Recommended Action: 1) Approve a pre-commitment of Redevelopment Agency funds in an amount not to exceed \$8.8 million, authorize the Executive Director to execute documents confirming this commitment, and direct staff to move forward with the preparation of an Owner Participation Agreement (OPA) that will delineate the specific terms of the financial assistance to be provided for the Pacific Court Apartments. The motion carried by the following roll call vote:

AYES:

Cook, Carchio, Coerper, Bohr, Green, Hansen, and Hardy

NOES:

None

Consent Calendar — Items Removed for Separate Discussion

(City Council) Adopt Resolution No. 2008-19 Approving the Application for Grant Funds Under the California River Parkways Grant Program Under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50) to be Used to Construct an Americans with Disabilities Act (ADA) Access Ramp from Le Bard Park to the Santa Ana River Pathway for the Orange Coast River Park (OCRP) Master Plan

(City Council) Approve and Authorize the Mayor and City Clerk to Execute an Agreement Between the City of Huntington Beach and Robert James Warner and Jeffrey James Warner in

the Amount of \$850,000 for Acquisition of Real Property Located at 7882 Alhambra Avenue, APN 142-103-20 to Complete Improvements for the Widening of Heil Avenue Widening Improvement Project Between Beach Boulevard and Silver Lane (CC-1230)

Consent Calendar — Items Approved

A motion was made by Coerper, second Bohr to approve the following Consent Items by affirmative vote, except for Green abstaining on Consent Item E-1, Minutes from the meeting of March 3, 2008; and Cook, Hansen, and Hardy stating for the record a "No" vote on Consent Item E-5, pertaining to the contract between CalPers and the City of Huntington Beach. The motion carried by the following roll call vote:

AYES:

Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio

NOES:

None

(City Council/Redevelopment Agency) Approved Minutes — Approved and adopted the minutes of the City Council/Redevelopment Agency regular meeting of March 3, 2008 as written and on file in the Office of the City Clerk. Submitted by the City Clerk. Approved 6-0-1 (Green Abstain)

(City Council) Accepted Additional Grant Funding in the Amount of \$176,815 from the State of California 2000 Park Bond Act (Proposition 12) Per Capita Program for Completion of the Tot Lot Replacement Project (CS08-006) — Accepted additional grant funding in the amount of \$176,815 from the State of California 2000 Park Bond Act for completion of the Tot Lot Replacement Project (CS 08-006.) Submitted by the Director of Community Services. Funding Source: State of California 2000 Park Bond Act; Park Acquisition and Development Fund, Tot Lot Replacement Project, Account #20945101.

(City Council) Adopted Resolution No. 2008-20 as Required by California Department of Transportation (Cal Trans) Authorizing the Closure of Main Street to Vehicular Traffic for the Main Street Expo, Surf and Soul Expo, and the Light a Light of Love Special Events — Adopted Resolution No. 2008-20, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Certain Special Events." Submitted by the Director of Community Services. Funding Source: Not applicable.

(City Council) Adopted Resolution of Intention No. 2008-16 Amending the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council of the City of Huntington Beach to Implement Enhanced Retirement Benefits (2.5% at 55 Formula) for the Municipal Employees' Association (MEA), Management Employees' Organization (MEO), the Non-Safety Members of the Police Officers' Association (POA), and the Non-Associated Members (NA); Deferred from the March 3, 2008 City Council Meeting — 1) Adopted Resolution of Intention No. 2008-16, "A Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Huntington Beach;" 2) Authorized the City Clerk to execute the Certification of Governing Body's Action and the Certification of Compliance with Government Code Section 7507 (PERS-CON-12;) and, 3) Authorized and approved Mayor to execute CALPERS Resolution of Intention (PERS-CON-12A). Submitted by: Director of Human Resources. Funding Source: The cost to implement the retirement plan enhancement will be borne by the affected employees in all groups; MEA, MEO, POA miscellaneous (non-safety)

members and NA employees.

Approved 4-3 (Cook, Hansen, Hardy — No)

(City Council) Approved the Sanitary Sewer Facility Fund Compliance Report for Fiscal Year 2006/2007 — Approved the Sanitary Sewer Facility Fund Annual Report Fiscal Year 2006/2007. Submitted by the Director of Public Works. Funding Source: No funding is required for this action.

(City Council) Approved and Authorized the Mayor and City Clerk to Execute the Memorandum of Understanding (MOU) Between the Huntington Beach Wetlands Conservancy and the City of Huntington Beach and Designate Funds in the Amount of \$118,000 to Mitigate Impacts to Adjacent Wetlands as a Result of the Newland Street Widening Project, CC-1095 and the Magnolia Street Sidewalk Project, CC-1228 — Approved and authorized the Mayor and City Clerk to execute the Memorandum of Understanding between the Huntington Beach Wetlands Conservancy and the City of Huntington Beach. Submitted by the Director of Public Works. Funding Source: Funding in the amount of \$118,000 is budgeted in Traffic Impact Fund, Newland Widening, Street Improvements 20690003.82300.

(City Council) Approved Project Plans and Specifications and Award Construction Contract in the Amount of \$1,222,900 to Dominguez General Engineering for the Slater Avenue and Parkside Lane Storm Drain Improvements, CC-1296 and Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney—

1) Approved the project plans and specifications for the Slater Avenue and Parkside Lane Storm Drain Improvements, CC-1296; 2) Accepted the lowest responsive and responsible bid submitted by Dominguez General Engineering, in the amount of \$1,222,900; and, 3) Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Director of Public Works. Funding Source: Funds in the amount of \$2.5 million are budgeted in the Redevelopment Agency Fund Account No. 30589001.82500. The cost estimate for the Parkside Lane Storm Drain and the Slater Avenue Storm Drain are \$800,000 and \$830,000, respectively.

(City Council) Approved the Annual Drainage Fund Compliance Report for Fiscal Year 2006/07 in Accordance with Section 14.48 of the Huntington Beach Municipal Code (HBMC) — Approved the Planned Local Facility Drainage Fund Compliance Report for Fiscal Year 2006/07. Submitted by the Director of Public Works. Funding Source: No funding is required for this action.

(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$274,688 to GMC Engineering, Inc., for the Safe Routes to School Project in the Vicinity of Sowers School, CC-1251 and Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney — 1) Approved the project plans and specifications for the Safe Routes to School Project in the vicinity of Sowers School, CC-1251; 2) Accepted the lowest responsive and responsible bid submitted by GMC Engineering, Inc. in the amount of \$274,688; and, 3) Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Director of Public Works. Funding Source: Funds in the amount of \$224,550 are budgeted in Safe Routes to School, 87890003.82700. Matching funds in the amount of \$227,450 are budgeted in the Traffic Impact Fund 20690007.82400. The estimated cost of the project is \$452,000, including the purchase of equipment.

(City Council) Approved the Annual Fair Share Traffic Impact Fee Report for Fiscal Year 2006/07 in Accordance with Section 17.65.130 of the Huntington Beach Municipal Code (HBMC) — Approved the 2006/07 Traffic Impact Fee Annual Report and Program Fiscal Activity Summary 10/1/01 to 9/30/07. Submitted by the Director of Public Works. Funding Source: No funding is required for this action.

(Redevelopment Agency) Received and Filed the 2006-2007 State Controller's Report Comprised of Information Regarding the Agency's Financial Transactions, Blight Progress and Loan, Property and Housing Activities for Fiscal Year 2006-2007 — Received and filed the 2006-2007 State Controller's Report. Submitted by the Redevelopment Agency Deputy Executive Director. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2008-19 Approving the Application for Grant Funds Under the California River Parkways Grant Program Under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50) to be Used to Construct an Americans with Disabilities Act (ADA) Access Ramp from Le Bard Park to the Santa Ana River Pathway for the Orange Coast River Park (OCRP) Master Plan — Adopted Resolution No. 2008-19, "A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds Under the California River Parkways Grant Program Under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002" (Proposition 50). Submitted by the Director of Community Services. Funding Source: Not applicable.

Councilmember Coerper pulled this item from the Consent Calendar for clarification of grant funds requested and staff responded.

A motion was made by Coerper, second Hansen to adopt Resolution No. 2008-19, "A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds Under the California River Parkways Grant Program Under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002." (Proposition 50) The motion carried by the following roll call vote:

AYES:

NOES:

Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio None

(City Council) Approved and Authorized the Mayor and City Clerk to Execute an Agreement Between the City of Huntington Beach and Robert James Warner and Jeffrey James Warner in the Amount of \$850,000 for Acquisition of Real Property Located at 7882 Alhambra Avenue, APN 142-103-20 to Complete Improvements for the Widening of Heil Avenue Widening Improvement Project Between Beach Blvd. and Silver Lane (CC-1230) - 1) Approved the Purchase and Sale Agreement and Joint Escrow Instructions; and, 2) Authorized the Mayor and City Clerk to execute the agreement and other related necessary documents. Submitted by the Director of Economic Development and the Director of Public Works. Funding Source: Funds in the amount of \$858,000 are budgeted in the Traffic Impact Fund, Heil Avenue Street Widening, Land Purchase, Account No. 20690009.81100.

Councilmember Coerper pulled this item from the Consent Calendar for clarification of remaining lots needed to complete the project, and the status of homeowners who would be displaced. Staff discussed two remaining parcels to acquire, and commented that parcel maps would be updated and recorded. Options for development and sale were also discussed.

A motion was made by Coerper, second Green to 1) Approve the *Purchase and Sale Agreement* and Joint Escrow Instructions; and, 2) Authorize the Mayor and City Clerk to execute the agreement and other related necessary documents. The motion carried by the following roll call vote:

AYES:

Hansen, Hardy, Bohr, Coerper, Green, and Carchio

NOES:

Cook

(City Council) Approved City Council Positions on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC)

The City Council considered a communication from Councilmember Jill Hardy, Chair on behalf of Intergovernmental Relations Committee Members Councilmembers Don Hansen and Keith Bohr transmitting the following:

Statement of Issue: Approval of City Council positions as recommended by the City Council Intergovernmental Relations Committee (IRC) on legislation or budget issues pending before a federal, state, or regional government, and approval of the City's federal funding agenda for this year. Funding Source: Not Applicable

Councilmember Hardy gave an oral report, and by consensus, Council voted on Recommended Actions 1 and 3, followed by separate discussion and vote on Recommended Action 2.

A motion was made by Hansen, second Green to 1) Authorize letters to our Federal legislators asking them to support an appropriation of funds for the Energy Efficiency and Conservation Block Grant; and 3) Approve the City's Federal Funding Agenda for this year as follows: Water Infrastructure, Gun Range Clean-Up, Blufftop Park, Senior Center (Green Elements), Continue to support OCTA's request for funding to widen the 405 Freeway The motion carried by the following roll call vote:

AYES:

Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio

NOES:

None

Councilmember Hansen discussed the basis of his support for SB 1295 (Ducheny), including his perceived instances of abuse by the Coastal Commission, disagreements with Coastal Commission staff that has delayed projects, and related costs associated with the coordinated appeal process. Councilmembers Hansen and Carchio voiced support of City staff overseeing coastal projects.

Mayor Pro Tem Bohr questioned past appeal process activity and requested clarification from staff on the Coastal Commission's responsibility pertaining to appeals. Scott Hess, Planning Director responded, and Mayor Pro Tem Bohr and Councilmember Hardy voiced their opposition to SB 1295.

Council called on former Coastal Commissioner, Mayor, and Councilmember Shirley Dettloff, to come forward for questions. Mrs. Dettloff discussed the process of Coastal Commission petitioners, gave examples of hearings' participation/presentation, addressed the recent reduction in Coastal Commission staff, and "end-road attempts" made to lead the legislative sessions in attempts to erode the Coastal Act. She described how our City staff is respected by the Coastal Commission, and recognized the Huntington Beach community for its proactive

nature. She discussed natural resources and preservation of the Coastal Act that protects our coastline, and clarified for Council the compilation of the Coastal Commission Members and their respective appointees.

Council discussed responsibilities of the City Council, Coastal Commission and the Coastal Act, addressed specific issues within the bill, including the number of other cities impacted by the bill, the scope of the Coastal Commission's authority, and potential loss of scrutiny by the Coastal Commission and Coastal Act.

A motion was made by Coerper to "watch" this bill. The motion failed for lack of a second.

Councilmember Green discussed concerns related to the various elements of the appeal process, and in particular, associated costs, and stated her support of SB 1295.

Mayor Cook stated that Huntington Beach has the finest reputation of any coastal city in terms of protecting its coastline, and she voiced objection to any attempts made to overtake the Coastal Commission's protection, and stated her opposition to SB 1295.

A motion was made by Hardy, second Bohr to **OPPOSE SB 1295** (Ducheny), **as amended by Late Communication amending a typographical error from "AB" 1295 to "SB" 1295,** amending the California Coastal Act of 1976 (as Introduced). The motion carried by the following roll call vote:

AYES:

Cook, Coerper, Bohr, and Hardy

NOES:

Carchio, Green, and Hansen

(City Council) INTRODUCED REVISION OF ORDINANCE NO. 3800 Amending Chapter 7.08 of the Huntington Beach Municipal Code (HBMC) Relating to Licensing Provisions of Dogs and Cats (Approved for Introduction March 3, 2008)

A motion was made by Coerper, second Bohr to move the recommended action. (Discussion followed)

Councilmembers requested clarity from staff on the following elements of the ordinance: The benefits/disadvantages of the County of Orange Animal Care Services levying licensing fees for dogs and cats; a safe age to perform spay/neuter of a dog or cat; current language pertaining to exempted animals; and the proposed language regarding advertising to the public an adoption, sale, barter, or other transfer of a dog or cat.

Lengthy discussion ensued amongst Council and Attorney McGrath regarding the intent of the proposed language in the current ordinance versus the various interpretations of that language. Council consensus was reached to take action tonight on the licensing fees for services contracted for through the County, the safe age of six months to perform spay/neuter of a dog or cat, the removal of proposed language pertaining to the inclusion of a business license number when advertising, and the addition of therapy dogs for exemption.

A motion was made by Carchio, second Hansen to after the City Clerk reads by title, approve (substitute motion), as amended, for introduction of Ordinance No. 3800, "An Ordinance of the City of Huntington Beach Amending Chapter 7.08 of the Huntington Beach Municipal Code Relating to Licensing Provisions for Dogs and Cats," to add therapy dogs to Section 7.08.070 License – Exempted Animals; change spay/neuter age from four months to six months, Section

<u>7.08.050 License – Owner Duty to Obtain;</u> and remove language regarding advertising to the public in <u>Section 7.08.010 - License and Registration Required</u>. The motion carried by the following roll call vote:

AYES:

Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio

NOES:

None

(City Council) Adopted Ordinance No. 3801 Amending Chapter 8.21 of the Huntington Beach Municipal Code (HBMC) Pertaining to Refuse Management by Matching the New Residential Service Methods Implemented in 2007 and Allowing for a More Prompt Enforcement of the City's Commercial Hauling Franchise Approved for Introduction March 3, 2008

A motion was made by Green, second Hansen to after the City Clerk reads by title, Adopt **Ordinance No. 3801**, "An Ordinance of the City of Huntington Beach Amending Chapter 8.21 of the Huntington Beach Municipal Code Pertaining to Refuse Management" by roll call vote. The motion carried by the following roll call vote:

AYES:

Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio

NOES:

None

(City Council) Submitted By Councilmember Coerper — AMENDED ACTION TAKEN. Design and Installation of Commemorative Arches on Main Street and Pacific Coast Highway and Main Street and Sixth Street

The City Council considered a communication from Councilmember Coerper transmitting the following:

Statement of Issue: In 2009, Huntington Beach will celebrate its 100th anniversary. This important milestone will be marked by a number of events throughout the entire year and will engage many current and past members of our community in recognition and celebration of our City's past, as well as its future. There is an opportunity to mark the occasion by installing two arches to mirror those that once existed at Main Street and Pacific Coast Highway with an official unveiling ceremony of the completed projects occurring on July 4, 2009. The arches are a celebrated landmark of the City's past, remembered by all who traveled on Pacific Coast Highway between the years of 1927 and 1941. The new arches would forever represent the Huntington Beach centennial and serve as a dynamic visual addition to the downtown. The previous arches were anchored at the four corners of Main and Pacific Coast Highway, crossing over one another above the middle of the highway, with the sign "Huntington Beach" hanging from above. The new arch at that location should mirror that design closely and could serve as a visually appealing point of entry into the downtown. In addition, consideration of a single arch with a decorative center sign at or near the Huntington Beach Art Center would represent a welcoming point of entry into the downtown from the north.

The significance of the project also represents an opportunity to involve local businesses and organizations such as the Convention and Visitors Bureau, the Chamber of Commerce and the various local service groups in helping to provide and secure funding to support the project. Given that this would take place in a Redevelopment Project Area, the Redevelopment Agency would take the lead in funding, as well as in the implementation phase, with the assistance of the Planning and Public Works Departments for facilitate completion by July 4, 2009.

It is estimated that engineering, fabrication and installation could total approximately \$900,000 for both arches. The Agency will circulate a Request for Proposals for the various phases, and, upon direction from the Board, Agency staff will commence meeting with organizations and major business entities in the community to create a project funded through a joint public/private effort to create a true City landmark.

Conceptual drawings of these arches are attached to this request, along with a photo of the original arches. The drawings were prepared by Graphic Solutions, which was responsible for the entry node signs that are currently being placed in the City.

Recommended Action: Motion to:

- Direct the Redevelopment Agency to prepare and circulate a Request for Proposal for the
 preliminary engineering of the double arches at Main Street and Pacific Coast Highway, and
 the single arch outside the Huntington Beach Art Center and bring back these items for City
 Council approval with goal of project completion no later than July 4, 2009, subject to
 available funding.
- 2. Direct the Redevelopment Agency to move forward with preparing funding proposals and seeking funding from entities within the community to support this project.
- 3. Direct the Redevelopment Agency to work closely with the Huntington Beach Art Center Director, the Allied Arts Board and a representative of the Centennial Committee to oversee the final design.

Councilmember Coerper stated that he wanted to remove the arch originally proposed at the Art Center, and discussed the proposed project and his hope for community involvement in maintaining the City's heritage and legacy, and addressed associated costs of project implementation, to include various stakeholders within the community.

Councilmembers discussed variables related to the conceptual drawings of the arches, the potential impacts on the City's floats that participate in the Annual 4th of July Parade, the design of the double arches versus single arches, the financial commitment related to the project, and anticipated financial commitments needed by the community at large, Redevelopment Agency funds, and the Centennial Committee fundraising efforts. Council raised concerns of the ability to simultaneously raise money for both this and the Centennial Committee projects. Administrator Emery and staff provided applicable responses related to Council's concerns and the proposed timeline for completion July 2009.

Councilmember Coerper removed the arch originally proposed at the Art Center, and Council consensus was to contact Caltrans to obtain a definitive answer for project assessment of timelines and costs.

A motion was made by Hansen, second Coerper to approve directing staff to contact Caltrans with project description for assessment of timelines for a project of this magnitude, and also to obtain cost factors (inclusive of a single arch option over Main Street) and determine who will be involved and return to Council at a date uncertain. The motion carried by the following roll call vote:

AYES:

Hansen, Bohr, Cook, Coerper, Green, and Carchio

NOES:

Hardy

Council Comments — (Not Agendized)

Councilmember Carchio read a prepared statement that addressed criticism he had received for recently bringing attention to the dangers and number of sexual offenders that live in our community. He assured the public that he was fully aware of the City of Long Beach's progress monitored by our Police Department, and stated he will continue to fight for this cause and bring its awareness to our citizens.

Councilmember Green congratulated the students who participated in the Annual District-Wide Student Dialogues Program in conjunction with the Human Relations Task Force on March 11, she reported attending the Sea Isle Garden Club Meeting on March 12; the 100th birthday celebration of Olive Harrison on March 12; and, she requested to adjourn tonight's meeting in memory of Lieutenant Robert M. (Bob) Morrison, founder of the City's Aero Bureau and long-term employee who recently passed away.

Councilmember Coerper reported sending a plant to Olive Harrison in honor of her 100th birthday celebration on March 12; he also announced the upcoming memorial service for Bob Morrison on April 4th at 2:00 p.m., at the Robert M. Morrison Heliport. He commented on Lieutenant Morrison's outstanding career with the City's Aero Bureau, and invited everyone to attend the memorial service and support his family.

Council/Agency Adjournment

Mayor Cook adjourned the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at 10:11 p.m., to Monday, April 7, 2008, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chair

Aleblie Coak